

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

RICARDO VERNAIR DODSON,

Plaintiff,

vs.

**Case No.: 2:18-cv-908
JUDGE GEORGE C. SMITH
Magistrate Judge Ovington**

GARY C. MOHR, et al.,

Defendants.

ORDER

On January 27, 2020, the United States Magistrate Judge issued a *Report and Recommendation* recommending that Plaintiff's Motion for Leave to File Amended Complaint be granted in part and denied in part. (*See Report and Recommendation*, Doc. 42). The parties were advised of their right to object to the *Report and Recommendation* and of the consequences of their failure to do so. There has nevertheless been no objection to the *Report and Recommendation*. The *Report and Recommendation* is hereby **ADOPTED** and **AFFIRMED**.

Plaintiff is permitted to proceed with his Fourteenth Amendment claim asserting that Defendants Thalheimer, Venters, Nelson, Handwerk, Smith, Reveal, Kovac, and Rauschenberg personally engaged in conduct in connection with Plaintiff's July 2018 parole proceedings that violated his Fourteenth Amendment right to a meaningful parole hearing. The Clerk of Court should separately docket Plaintiff's proposed Amended Complaint as his First Amended Complaint.

This matter is also before the Court on Plaintiff's Motion for Reconsideration of this Court's January 16, 2020 Order adopting the Magistrate's December 9, 2019 *Report and*

Recommendation. (Doc. 43). Plaintiff continues to make the same arguments already presented to and thoroughly considered by this Court. Plaintiff merely disagrees with this Court's conclusions. He has failed to present a change in law or any new evidence to justify reconsideration. Accordingly, Plaintiff's Motion for Reconsideration is **DENIED**.

Finally, Plaintiff has filed a Motion to Strike the April 12, 2019 Correspondence on the filed docket as unauthorized or improperly filed; a request to provide Defendant Kathleen Kovach the summons and complaint; and order charging the parties with obstruction of justice and fraud upon the court; and a request to disqualify the Ohio Attorney General.

First, with respect to the correspondence filed on the docket as document 23, Plaintiff's Motion to Strike is **DENIED**. This correspondence is relevant to service and the Court prefers to have all documents received regarding cases to be recorded on the Court's docket.

Next, with respect to service upon Defendant Kathleen Kovach, the Clerk of Court is hereby instructed to re-serve the summons and complaint upon Kathleen Kovach. Plaintiff has provided correspondence from the Ohio Department of Rehabilitation and Correction dated January 16, 2020 that shows that Kathleen Kovach is currently serving on the Ohio Parole Board for the Ohio Department of Rehabilitation and Correction. Accordingly, counsel for the other Defendants serving in official positions with the Ohio Adult Parole Authority is cautioned not to misrepresent a Defendant's employment and accept service where appropriate.

Finally, with respect to Plaintiff's request to disqualify and/or sanction Defendant's counsel, the Court denies Plaintiff's request at this time. However, the Court will closely monitor the service of Kathleen Kovach to ensure no further misrepresentations are made.

As set forth above, the Magistrate Judge's *Report and Recommendation*, Document 42, is hereby **ADOPTED** and **AFFIRMED**. Plaintiff's Motion to Amend his Complaint is hereby **GRANTED IN PART AND DENIED IN PART**. Plaintiff's Motion for Reconsideration and Motion to Strike are denied. However, the Clerk is instructed to re-serve Defendant Kovach with a copy of the Summons and Complaint.

The Clerk shall remove Documents 27, 42, 43, and 44 from the Court's pending motions list.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT